

- ☐ **SENDER:** Complete items 1, 2, and 3.  
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

☒ Show to whom and date delivered..... 15¢

☐ Show to whom, date, & address of delivery.. 35¢

☐ **RESTRICTED DELIVERY.**

Show to whom and date delivered..... 65¢

☐ **RESTRICTED DELIVERY.**

Show to whom, date, and address of delivery 85¢

2. **ARTICLE ADDRESSED TO:**  
Mr. Ronald Venema

• 0. Box 453

Crown Point, Indiana 46307

**ARTICLE DESCRIPTION:**

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

529391

111111

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐ Addressee

☐ Authorized agent

4.

DATE OF DELIVERY

8-23-75

POSTMARK

5. **ADDRESS** (Complete only if requested)

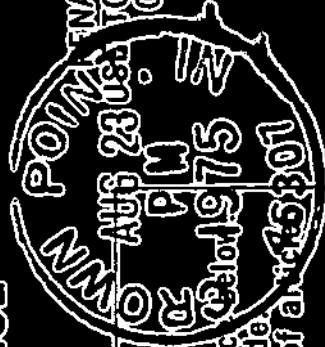
6. **UNABLE TO DELIVER BECAUSE:**

CLERK'S  
INITIALS

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.  
• Complete items 1, 2, and 3 on reverse side.  
• Moisten gummed ends and attach to back of airmail.



Penalty for failure to avoid payment of postage, \$300

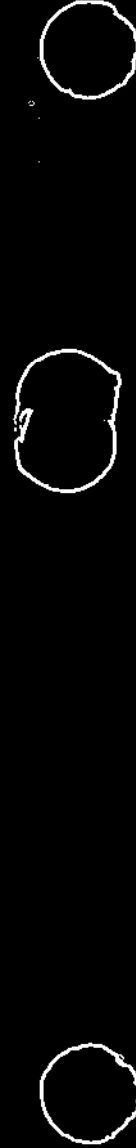
RETURN  
TO



64-05-

Mary  
320

Indiana State Board of Health,  
1330 West Michigan Street  
Indianapolis, Indiana 46206



August 22, 1975

VIA CERTIFIED MAIL

Mr. Ronald Venema  
Home Sanitation Service  
P. O. Box 453  
Crown Point, Indiana 46307

Dear Mr. Venema:

Re: Disposal of Solid Wastes  
at Feddeler Dump  
Lowell, Lake County

During the inspection of the above-referenced dump on August 8, 1975, it was learned that your company hauls refuse to this site.

The operations at the subject site have been ordered to cease. Please notify this office, in writing, within two weeks of the date of this letter of the one or more approved sanitary landfills to which your company will divert the types of refuse now being deposited at the Feddeler Dump.

Very truly yours,

Brian W. Opel, Acting Chief  
Solid Waste Management Section  
Division of Sanitary Engineering  
AC 317/633-6400

BWO/cz

cc: Honorable Ernest Niemeyer  
Lake County Health Department  
Mr. Ed Feddeler

bcc: Brian Opel  
Dan Magoun  
Claude Goodley  
Johnnie Baker

ORDER: Complete items 1, 2, and 3.

Add your address in the "RETURN TO" space on reverse.

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☐ Show to whom, date, & address of delivery.. 35¢

☐ RESTRICTED DELIVERY.

Show to whom and date delivered..... 65¢

☐ RESTRICTED DELIVERY.

Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Mr. Tom Crumpton

Independent Waste Systems

P. O. Box 8296, Merrillville, IN

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

589393

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☒ Addressee

☐ Authorized agent

DATE OF DELIVERY

POSTMARK

ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

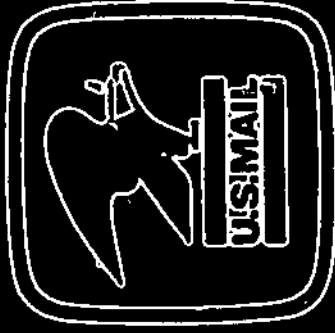
CLERK'S  
INITIALS

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

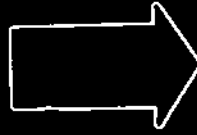
- Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, and 3 on reverse side.
  - Moisten gummed ends and attach to back of article.

PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE, \$300



RETURN

TO



Indiana State Board of Health  
1330 West Michigan Street  
Indianapolis, Indiana 46206

August 22, 1975

VIA CERTIFIED MAIL

Mr. Tom Crumpton  
Independent Waste Systems  
P. O. Box 8296  
Merrillville, Indiana 46410

Dear Mr. Crumpton:

Re: Disposal of Solid Wastes  
at Feddeler Dump  
Lowell, Lake County

During the inspection of the above referenced dump on August 8, 1975, it was learned that your company hauls refuse to this site.

The operations at the subject site have been ordered to cease. Please notify this office, in writing, within two weeks of the date of this letter of the one or more approved sanitary landfills to which your company will divert the types of refuse now being deposited at the Feddeler Dump.

Very truly yours,

Brian W. Opel, Acting Chief  
Solid Waste Management Section  
Division of Sanitary Engineering  
AC 317/633-6400

BWO/cz

cc: Honorable Ernest Niemeyer  
Lake County Health Department  
Mr. Ed Feddeler  
bcc: Brian Opel  
Dan Magoun  
Claude Goodley  
Johnnie Baker

- ☐ **SENDER:** Complete items 1, 2, and 3.  
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☐ Show to whom, date, & address of delivery.. 35¢

☐ **RESTRICTED DELIVERY.**

Show to whom and date delivered..... 65¢

☐ **RESTRICTED DELIVERY.**

Show to whom, date, and address of delivery 85¢

2. **ARTICLE ADDRESSED TO:**

Globe Industries

Box 145

Lowell, Indiana 46356

**ARTICLE DESCRIPTION:**

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

529392

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐

Addressee

☒

Authorized agent

DATE OF DELIVERY

8-25-75

ADDRESS (Complete only if requested)

POSTMARK

AUG  
25  
1975

6. **UNABLE TO DELIVER BECAUSE:**

INITIALS

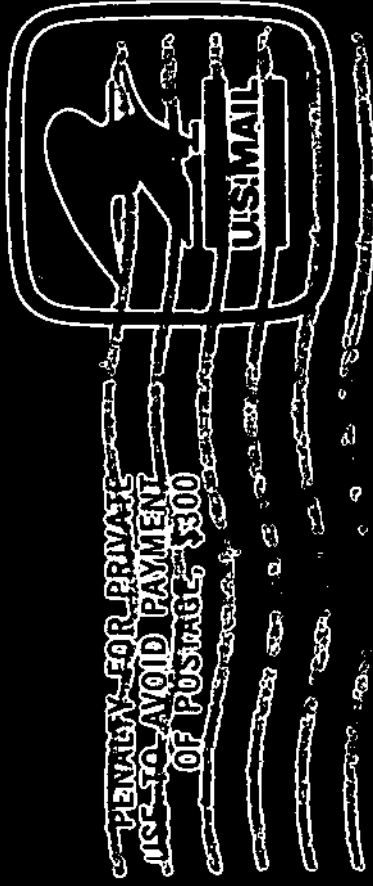
UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS

SENDER INSTRUCTIONS

- Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, and 3 on reverse side.
  - Moisten gummed ends and attach to back of article.

RETURN  
TO



Mary  
328

64-05

Indiana State Board of Health  
1330 West Michigan Street  
Indianapolis Indiana 46206



August 22, 1975

VIA CERTIFIED MAIL

Globe Industries  
Box 145  
Lowell, Indiana 46356

Gentlemen:

Re: Disposal of Solid Wastes  
at Feddeler Dump  
Lowell, Lake County

During the inspection of the above-referenced dump on August 8, 1975, it was learned that your company hauls refuse to this site.

The operations at the subject site have been ordered to cease. Please notify this office, in writing, within two weeks of the date of this letter of the one or more approved sanitary landfills to which your company will divert the types of refuse now being deposited at the Feddeler Dump.

Very truly yours,

Brian W. Opel, Acting Chief  
Solid Waste Management Section  
Division of Sanitary Engineering  
AC 317/633-6400

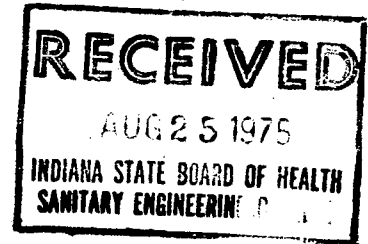
BWO/cz

cc: Honorable Ernest Niemeyer  
Lake County Health Department  
Mr. Ed Feddeler

bcc: Brian Opel  
Claude Goodley  
Dan Magoun  
Johnnie Baker

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING, MICHIGAN 48926

August 21, 1975



Mr. Art Schwartz  
Organic Chemicals  
P.O. Box 131  
3291 Chicago Drive  
Grandville, Michigan 49418

RE: Refuse Transporting Unit Licenses


Dear Mr. Schwartz:

By copy of Mr. Tomas Leep's letter to you dated August 19, 1975 we have become aware that you apparently are transporting refuse (solid waste) over the streets and highways of the State of Michigan without proper licensure under Act 87, Public Acts of 1965, as amended by Act 89, Public acts of 1971. A copy of the amended Act is enclosed for your reference.

Also enclosed are two (2) refuse transporting unit license applications. If you are to continue hauling refuse please complete the enclosed application(s) and submit them through you local county health department. They will inspect your vehicle(s) and forward their recommendations to this office for license processing. If you need additional applications please notify your local county health department or this office.

Very truly yours,

Fred B. Kellow, Chief  
Solid Waste Management Division  
Environmental Protection Branch

  
By: Leonard D. Zulowski  
Environmental Sanitarian

LDZ:mh

cc: ✓ Brian Opel, Indiana State Board of Health  
Tomas Leep, Oil & Hazardous Materials Control Section

○ **SENDER** Complete items 1, 2, and 3.  
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

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☐ Show to whom, date, & address of delivery.. 35¢

☐ RESTRICTED DELIVERY.

Show to whom and date delivered..... 65¢

☐ RESTRICTED DELIVERY.

Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

Arthur Schwartz Spartan Chamber  
Grandville MI Lake Co.

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

529401

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐ Addressee

☐ Authorized agent

*A. H. Lawrence*

4.

DATE OF DELIVERY

8-27-75

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S  
INITIALS

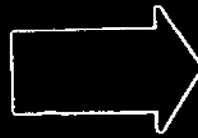
*[Signature]*

UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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○ Complete items 1, 2, and 3 on reverse side.  
○ Moisten gummed ends and attach to back of article.

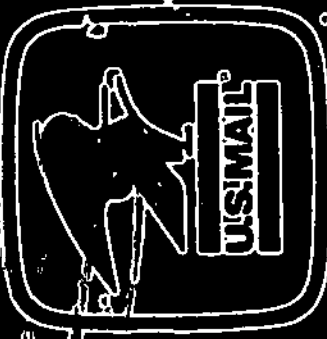
RETURN  
TO



Indiana State Board of Health  
1330 West Michigan Street  
Indianapolis, Indiana 46206

MB  
nm 32 D

PENALTY FOR PRIVATE  
USE TO AVOID PAYMENT  
OF POSTAGE, \$300



August 20, 1975

VIA CERTIFIED MAIL

Mr. Arthur Schwartz, President  
Organic Chemical Company  
3291 Chicago Drive  
Grandville, Michigan 49418

Dear Mr. Schwartz:

Re: Disposal of Hazardous Wastes from  
Spartan Chemical Company at the  
Feddeler Dump, Lake County

During the inspection of the Feddeler Dump on August 8, 1975, it was learned that hazardous wastes from your company are deposited at this site. This was confirmed during your telephone conversation with Mr. Brian W. Opel on August 18, 1975. During this conversation, you indicated that your company has approximately 500 additional barrels of wastes to be disposed of.

Hazardous waste disposal must be approved by the Solid Waste Management Section on a case-by-case basis. For each hazardous waste proposed for disposal at an approved sanitary landfill, a written request for approval must be submitted to the Solid Waste Management Section for consideration. The request must include an analysis of the chemical constituents in the waste, both qualitative and quantitative, and the physical characteristics of the material, including percent solids and viscosity. The request must also describe the process involved in the generation of the waste, the proposed disposal area, and the waste hauler. The amount of waste per unit of time (e.g. gallons per day, cubic yards per month, etc.) must also be submitted.

The staff of the Solid Waste Management Section will review the information submitted and determine, first of all, whether the waste is suited for land disposal and then what disposal method should be used. If the operator has an idea of what method he wishes to use for disposal of a particular waste, that information should also be submitted. If a hazardous waste is approved for land disposal, a letter will be sent to the generator, the hauler, and the landfill operator granting approval for disposal, and describing how the waste should be disposed. Until such a letter is received, the waste cannot be disposed of at a landfill.

Mr. Arthur Schwartz, President  
Organic Chemical Company

August 20, 1975

The operations at the subject site have been ordered to cease. Please submit to this Board, in writing, within two weeks of the date of this letter the required information mentioned above.

Copies of the Environmental Management Act, IC 1971, 13-7, the Refuse Disposal Act, IC 1971, 19-2-1, and Regulation SPC-18 are enclosed. Also enclosed, as you requested, are a copy of Regulation SPC-17 and a list of sanitary landfills approved for non-hazardous wastes.

Enforcement action in this matter is being considered.

Your prompt response will be appreciated.

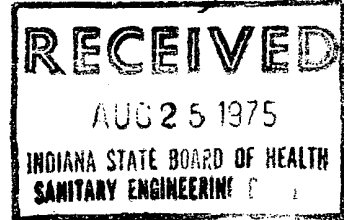
Very truly yours,

Oral H. Hert  
Technical Secretary

BWOpel/mb  
Enclosures

cc: Honorable Ernest Niemeyer  
Lake County Health Department  
Mr. Karl Klepitsch  
Mr. Thomas Leep  
Mr. Raymond Dutmers  
Mr. Ed Feddeler  
Industrial Waste Section

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING, MICHIGAN 48926



August 19, 1975

Mr. Art Schwartz  
Organic Chemists  
P.O. Box 131  
3291 Chicago Drive  
Grandville, Michigan 49418

Dear Mr. Schwartz:

On August 15, 1975, I received a telephone call from Brian Opel of the Indiana State Board of Health. He reported drums of liquid from Spartan Chemical (Organic) were being disposed of at the Feddler Dump near Lowell, Indiana. According to Mr. Opel, this is not an approved disposal method.

The vehicle used to haul the drums must be licensed under Act 136 (Liquid Industrial Waste Haulers Act) or Act 87 if solid wastes are hauled. Also you must have an approved disposal method.

Failure to comply will result in appropriate legal action by this office.

If you have any questions, feel free to contact me at 517-373-1947.

Very truly yours,

BUREAU OF WATER MANAGEMENT

Tomas Leep  
Water Quality Investigator  
Oil & Hazardous Materials Control Section

TL:clp

cc: D. Dennis  
J. Shauver  
H. Miller, Spartan Chemical  
L. Zulewski, Solid Waste Management Division  
✓ B. Opel, Indiana State Board of Health

☐ SENDER: Complete items 1, 2, and 3.  
Add your address in the "RETURN TO" space on reverse.

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☐ Show to whom, date, & address of delivery.. 35¢

☐ RESTRICTED DELIVERY.

Show to whom and date delivered.....

☐ RESTRICTED DELIVERY.

Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

*Ed & Robt Fuddler*

*Dump Operation - Lake County*

3. ARTICLE DESCRIPTION:

REGISTERED NO.

CERTIFIED NO.

INSURED NO.

*529366*

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

☐ Addressee

☐ Authorized agent

4.

DATE OF DELIVERY

*8-23-75*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:



UNITED STATES POSTAL SERVICE  
OFFICIAL BUSINESS

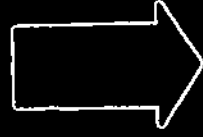
SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.  
• Complete items 1, 2, and 3 on reverse side.  
• Moisten gummed ends and attach to back of article.

WELL.  
AUG 28 1975  
PM 4:06

PENALTY FOR FAILURE  
TO PREPAY POSTAGE  
OF POSTAGE, \$300

RETURN  
TO



M.B.

AM. 320

Indiana State Board of Health  
1330 West Michigan Street  
Indianapolis, Indiana 46206

2 (1c

August 18, 1975

VIA CERTIFIED MAIL

Messrs. Edward and Robert Feddeler  
10100 West 181st Avenue  
Lowell, Indiana 46356

Gentlemen:

Re: Feddeler Dump Operation  
Located North of State Road 2  
3/4 Mile East of U. S. 41  
Lake County

You are hereby notified that upon receipt of this letter you must immediately cease acceptance of any further waste materials at the above-referenced site.

Inspection by a representative of this Board on August 8, 1975, revealed that one portion of the site is being utilized for disposal of hazardous, liquid wastes and another portion of the site is being utilized for disposal of refuse.

This disposal operation is in violation of the Environmental Management Act, IC 1971, 13-7, the Refuse Disposal Act, IC 1971, 19-2-1, and Regulation SPC-18 (a copy of each enclosed), in the following particulars:

1. No approval or permit has been obtained for any disposal operations at this site.
2. The operation involves the depositing upon the land of contaminants which create a pollution hazard.
3. The operation is being conducted as an open dump.

Notification of this order is also being given to those parties identified by you as utilizing this site for disposal.

All salvaged metals accumulated at the site must be either promptly removed or compacted and covered with soil. All refuse deposited on the site must be compacted and covered with a minimum of two feet of clay soil.



Messrs. Edward and Robert Feddeler

August 18, 1975

The hazardous wastes already deposited at this site must be covered immediately with six inches of soil. A determination will be made by our staff of the appropriate measures to be implemented for the final disposal of the hazardous materials now deposited at the site. You will be advised of the staff's determination in the near future.

Enforcement action in this matter is being considered and will be pursued if operations continue.

Very truly yours,

Oral H. Hert  
Technical Secretary

BWOpel/cz  
Enclosures

cc: Honorable Ernest Niemeyer  
Lake County Health Department  
Mr. Karl Klepitsch  
Mr. Thomas Leep  
Industrial Waste Section  
Globe Industries  
Mr. Arthur Schwartz

bcc: Brian Opel  
Johnnie Baker  
Dan Magoun  
Claude Goodley  
Chris Menze  
Gary Presswood



A parcel of real estate described as follows:

All that part of the West Half of the Southeast Quarter of Section 21, Township 33 North, Range 9 West of the 2nd Principal Meridian, in Lake County, Indiana, lying Easterly of the Easterly right of way line of the Indiana Harbor Railroad Company (now New York Central Railroad), excepting therefrom that part described as follows: Commencing at a point on the Easterly right of way line of the New York Central Railroad at a distance of 40 feet North of the South line of said Section 21, and running thence East parallel to said South line, a distance of 263.40 feet, thence South 10 feet; thence East parallel to the South line of said Section 21 a distance of 136.60 feet, thence North at right angles to the last described line a distance of 808.00 feet; thence North 10 degrees 27 minutes West a distance of 244.5 feet to the Easterly right of way line of the New York Central Railroad; thence Southwesterly along said right of way line a distance of 658.83 feet to the place of beginning; Also excepting therefrom that part described as follows: A part of the Southeast Quarter of Section 21, Township 33 North, Range 9 West of the 2nd Principal Meridian, described as commencing at a point on the South line of said Section 21 and 400 feet East of the East right of way line of the New York Central Railroad; thence East along said line (which is also the center of the State Highway #2) to the center of a creek a distance of 256.6 feet; thence to the North along said creek center line 408.7 feet to an iron pin; thence North by Northwest along said center line 409 feet; thence West by Northwest 88.5 feet to an iron pin; thence South 808.8 feet to the place of beginning.

3-71-13



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
*We make Indiana a cleaner, healthier place to live.*

---

Mitchell E. Daniels, Jr.  
Governor

Thomas W. Easterly  
Commissioner

100 North Senate Avenue  
Indianapolis, Indiana 46204  
(317) 232-8603  
(800) 451-6027  
[www.idem.IN.gov](http://www.idem.IN.gov)

October 20, 2006

Jeffery Langbehn  
Lake County Solid Waste Management District  
7820 Broadway  
Merrillville, Indiana 46410

Dear Mr. Langbehn:

This letter is to inform you that the Indiana Department of Environmental Management (IDEM), through the Office of the Attorney General, has filed on Thursday, October 19, 2006, a Complaint for a Preliminary and Permanent Injunction against responsible parties regarding the Feddeler Landfill (Site) in Lake Circuit Court.

It is IDEM's understanding that Lake County has received financial approval to erect fencing around the Site. In part, IDEM is seeking a court order for the responsible parties to secure access to the Site.

In a previous letter, concerns were identified with disturbing the cap at the landfill. IDEM subsequently received a letter from the Lake County Sheriff indicating that the fence would not be installed on the cap. You should also be aware that if any additional wells are going to be installed at the site they should be in unfilled areas to, among other things, avoid compromising the integrity of the clay beneath the landfill that serves to protect the aquifer. Such activities, if undertaken by a permittee without approval from IDEM, would constitute a violation of IDEM's rules regarding solid waste management.

Before any ground-disturbing activities are undertaken at the Feddeler Landfill it is recommended the Lake County Solid Waste Management District confer with IDEM's technical staff to assure they are done in a safe and environmentally sound manner.

If you have any questions please contact me at 317/233-6591.

Sincerely,

Bruce H Palin  
Assistant Commissioner  
Office of Land Quality

Page 1 of 3[illegible]





Photo 1

Facility Name: Feddeler Landfill  
10100 W. 181st Street  
Lowell

Photographer: B. Lamprecht NWRO-IDEM  
Date/Time: 10/16/06, 12:21

Others Present: Alex de Silva

Discription: GPS data being collected  
at Monitoring wells MB-B-1  
and PZB-1



Photo 2

Facility Name: Feddeler Landfill  
10100 W. 181st Street  
Lowell

Photographer: B. Lamprecht NWRO-IDEM  
Date/Time: 10/16/06, 12:21

Other present: Alex de Silva

Discription: GPS data being collected at  
monitoring well MWC-1 inside  
and along the cell area of the  
landfill

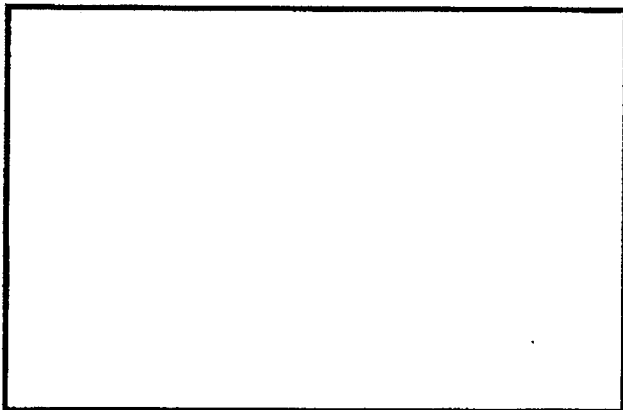


Photo 3

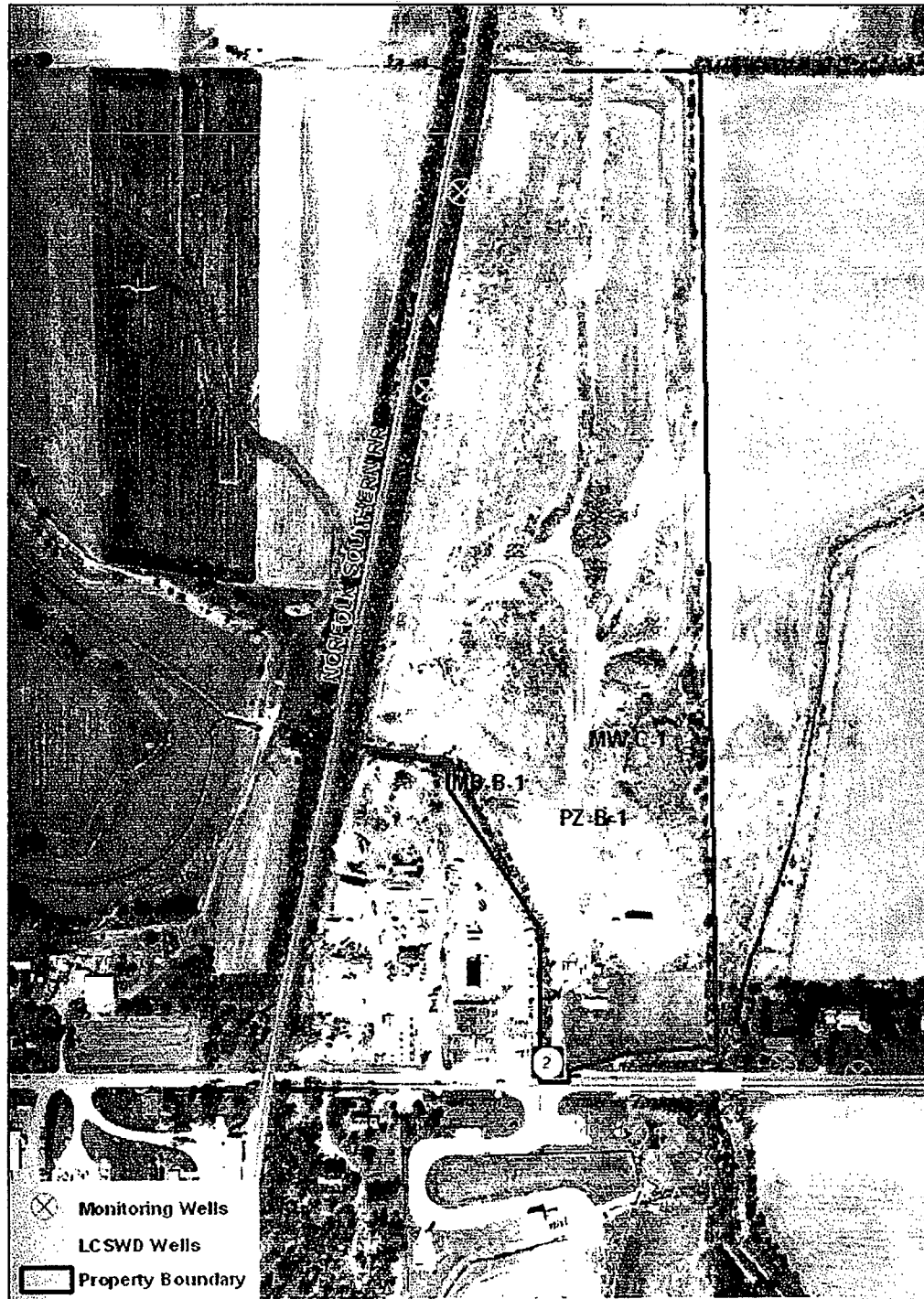
Facility Name:

Photographer: B. Lamprecht NWRO-IDEM  
Date/Time:

Others Present:

Discription:

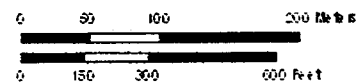
# Feddeler C/D Landfill Wells Lowell, Lake County, Indiana

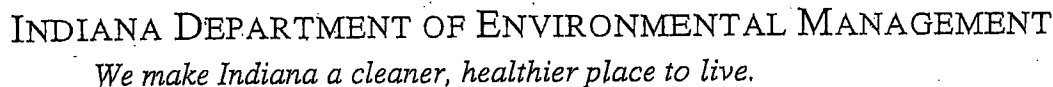


Sources:  
Aerial Photography flown in 2005 by The Indiana Department  
of Natural Resources

Well locations collected using Global Positioning (GPS) Technology.  
Monitoring Wells collected 8/4/05 by Greg Overton  
LCSWD Wells collected October 10, 2005 by Bob Langreth

**IDEM**





100 North Senate Avenue  
Indianapolis, Indiana 46204  
(317) 232-8603  
(800) 451-6027  
[www.IN.gov/idem](http://www.IN.gov/idem)

Post-it® Fax Note		7671	Date	8-5-05	# of pages	12
To Rick Niemeyer			From Bruce Palin			
Co./Dept.			Co. IDEN			
Phone #			Phone # 317-233-6591			
Fax # 219-696-9432			Fax # 317-232-3403			

7002 0510 0003 8224 3407

July 20<sup>th</sup> 2005

Re: **Violation Letter**  
Feddeler C/D Landfill  
Permit Number 45-08  
Lake County

Dear Mr. Hunter:

On May 17, 2005, representatives of the Indiana Department of Environmental Management, Office of Land Quality, conducted an inspection of the Feddeler C/D Landfill, located in Lake County, Indiana. This inspection was conducted pursuant to IC 13-14-2-2. For your information, and in accordance with IC 13-14-5, a summary of the inspection is provided below:

Type of Inspection:        X   Routine  
                                            Complaint  
                                            Other

Results of Inspection:      ☐ No violations were observed  
    ☐ Violations were observed but corrected during the  
    Inspection (See inspection report)  
    ☒ Violations were observed (See inspection report)  
    ☐ Additional information/review is required to  
    evaluate overall compliance  
    ☐ Violations were observed and will be referred to the  
    Office of Enforcement  
    Other

This inspection revealed the following violations of Rule 329 IAC 10 and the Environmental Management Act, IC 13-30:

Facility Violations

1. 329 IAC 10-36-11(b) & 14(a) – Cover soil previously applied has not been maintained.
2. 329 IAC 10-36-14(b) – Some areas of the site need additional work to help establish an adequate grass or ground cover crop.
3. 329 IAC 10-36-14(c) – Some areas of the site need additional grading to promote proper surface water runoff.
4. 329 IAC 10-36-15(a) – Leachate seeps are present on the southwest corner and west of the on-site road and are not being properly controlled or managed. Leachate stains are present on the west slope.
5. 329 IAC 10-36-15(b) – Leachate on the southwest corner of the site is flowing off-site into the waterway adjacent to the site.
6. 329 IAC 10-37-1 – The site has not been properly closed.
7. 329 IAC 10-37-3 – Final cover has not been completed on some areas of the site specifically the southwest corner of site.

Steps to Come Into Compliance

1. Immediately stop the flow of leachate from the southwest corner into the adjacent waterway. In addition, repair and eliminate the leachate seeps in this area.
2. Complete the application of final cover in the southwest corner of the site. This activity should help prevent the generation of leachate in this area. Once the application of final cover is complete, properly grade, add topsoil and vegetate this area.
3. Repair erosion on the west slope, apply proper amount of cover with topsoil, and vegetate.
4. Repair large erosion cut in the middle of north slope. Add topsoil and vegetate.
5. Rework, regrade, add topsoil and vegetate bare and/or rough areas on the east slope.
6. Repair erosion on the east slope and to the east of the on-site road, add topsoil and vegetate.
7. Some isolated areas on top of the fill are flat and need some additional regrading to promote surface water drainage.
8. Slopes to the west of the on-site road need additional regrading, cover soil, topsoil and vegetation. In addition, there are some isolated leachate seeps in this area that need repair.

This inspection revealed the following violations of Rule 329 IAC 10 and the Environmental Management Act, IC 13-30:

Facility Violations

1. 329 IAC 10-36-11(b) & 14(a) – Cover soil previously applied has not been maintained.
2. 329 IAC 10-36-14(b) – Some areas of the site need additional work to help establish an adequate grass or ground cover crop.
3. 329 IAC 10-36-14(c) – Some areas of the site need additional grading to promote proper surface water runoff.
4. 329 IAC 10-36-15(a) – Leachate seeps are present on the southwest corner and west of the on-site road and are not being properly controlled or managed. Leachate stains are present on the west slope.
5. 329 IAC 10-36-15(b) – Leachate on the southwest corner of the site is flowing off-site into the waterway adjacent to the site.
6. 329 IAC 10-37-1 – The site has not been properly closed.
7. 329 IAC 10-37-3 – Final cover has not been completed on some areas of the site specifically the southwest corner of site.

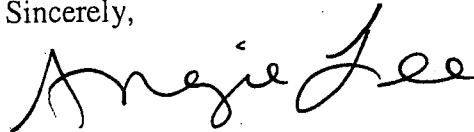
Steps to Come Into Compliance

1. Immediately stop the flow of leachate from the southwest corner into the adjacent waterway. In addition, repair and eliminate the leachate seeps in this area.
2. Complete the application of final cover in the southwest corner of the site. This activity should help prevent the generation of leachate in this area. Once the application of final cover is complete, properly grade, add topsoil and vegetate this area.
3. Repair erosion on the west slope, apply proper amount of cover with topsoil, and vegetate.
4. Repair large erosion cut in the middle of north slope. Add topsoil and vegetate.
5. Rework, regrade, add topsoil and vegetate bare and/or rough areas on the east slope.
6. Repair erosion on the east slope and to the east of the on-site road, add topsoil and vegetate.
7. Some isolated areas on top of the fill are flat and need some additional regrading to promote surface water drainage.
8. Slopes to the west of the on-site road need additional regrading, cover soil, topsoil and vegetation. In addition, there are some isolated leachate seeps in this area that need repair.

Dennis Hunter  
Page 3

Within thirty (30) days of receipt of this letter, a written detailed explanation, documenting compliance with each of the requirements listed above, must be submitted to this office. Failure to respond adequately to this Violation Letter may result in a referral to IDEM's Office of Enforcement. Please direct any response to this letter and any questions to Mr. Stuart Miller at 317-308-3057. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Angie Lee". The signature is fluid and cursive, with the first name "Angie" and the last name "Lee" clearly distinguishable.

Angie Lee, Chief  
Agricultural and Solid Waste  
Office of Land Quality

Enclosure

cc: Lake County Health Department  
Lake County SWMD  
Robert Feddeler

**Indiana Department of Environmental Management**  
**Restricted Waste Site Type III & Construction/Demolition Site**  
**Inspection Report**

Page 1 of 3

2B1

3cdformf,rsf

December, 1996

Facility: Feddeler C/D Landfill Permit #: 45-08 County: Lake  
 Date: 5-17-05 Time: 11:15A Inspected by: Stu M. Iler, Brian Wagner

<input checked="" type="checkbox"/> 121 329 IAC 010-013-004 (c) Permit Compliance	<input checked="" type="checkbox"/> 135 329 IAC 010-036-006 (b) Salvage Storage	<input checked="" type="checkbox"/> 149 329 IAC 010-036-013 (a) Fugitive Dust
<input checked="" type="checkbox"/> 122 329 IAC 010-036-001 (a) Established Roadways	<input checked="" type="checkbox"/> 136 329 IAC 010-036-007 (a) Safety Devices	<input checked="" type="checkbox"/> 150 329 IAC 010-036-013 (b) Daily Cover/Control Plan
<input checked="" type="checkbox"/> 123 329 IAC 010-036-001 (b) Restricted Access	<input checked="" type="checkbox"/> 137 329 IAC 010-036-007 (b) First Aid Kit	<input checked="" type="checkbox"/> 151 329 IAC 010-036-014 (a) Cover Continuous Maintenance ✓
<input checked="" type="checkbox"/> 124 329 IAC 010-036-002 (a) Passable Roads	<input checked="" type="checkbox"/> 138 329 IAC 010-036-007 (c) Communication System	<input checked="" type="checkbox"/> 152 329 IAC 010-036-014 (b) Establish & Maintain Vegetation ✓
<input checked="" type="checkbox"/> 125 329 IAC 010-036-002 (b) Tracking Mud	<input checked="" type="checkbox"/> 139 329 IAC 010-036-008 (a) On-Site/Up-to-Date Plans	<input checked="" type="checkbox"/> 153 329 IAC 010-036-014 (c) Proper Grading ✓
<input checked="" type="checkbox"/> 126 329 IAC 010-036-002 (c) Monitoring Well Access	<input checked="" type="checkbox"/> 140 329 IAC 010-036-008 (b) Quarterly Plot Plan	<input checked="" type="checkbox"/> 154 329 IAC 010-036-014 (d) Vegetation Clearing
<input checked="" type="checkbox"/> 127 329 IAC 010-036-003 Signs	<input checked="" type="checkbox"/> 141 329 IAC 010-036-008 (c) Furnishing Records to IDEM	<input checked="" type="checkbox"/> 155 329 IAC 010-036-015 (a) Surface Leachate Management ✓
<input checked="" type="checkbox"/> 128 329 IAC 010-036-004 (a) Livestock Present	<input checked="" type="checkbox"/> 142 329 IAC 010-036-008 (d) Retaining Manifests (C/D Sites Only)	<input checked="" type="checkbox"/> 156 329 IAC 010-036-015 (b) Leachate 50 Ft Beyond SW Boundary ✓
<input checked="" type="checkbox"/> 129 329 IAC 010-036-004 (b) Vectors, Dust, Odors	<input checked="" type="checkbox"/> 143 329 IAC 010-036-009 Open Burning	<input checked="" type="checkbox"/> 157 329 IAC 010-036-016 Leachate Disposal
<input checked="" type="checkbox"/> 130 329 IAC 010-036-004 (c) Litter	<input checked="" type="checkbox"/> 144 329 IAC 010-036-010 (a) Waste Deposited in Water	<input checked="" type="checkbox"/> 158 329 IAC 010-036-017 (a) Receipt & Review of Manifest Copy (C/D Sites Only)
<input checked="" type="checkbox"/> 131 329 IAC 010-036-004 (d) Dead Animal Disposal	<input checked="" type="checkbox"/> 145 329 IAC 010-036-011 (a) Cover Soil Type	<input checked="" type="checkbox"/> 159 329 IAC 010-036-017 (b) Acceptance from Transfer Station (C/D Sites Only)
<input checked="" type="checkbox"/> 132 329 IAC 010-036-004 (e) Outside Containers	<input checked="" type="checkbox"/> 146 329 IAC 010-036-011 (b) Cover Maintenance/Alt. Cover Approval ✓	<input checked="" type="checkbox"/> 160 329 IAC 010-037-001 Closure Performance Standards ✓
<input checked="" type="checkbox"/> 133 329 IAC 010-036-005 Scavenging	<input checked="" type="checkbox"/> 147 329 IAC 010-036-012 (a) RWS III-Annual Cover, 6 inches	<input checked="" type="checkbox"/> 161 329 IAC 010-037-002 (a) Final Cover RWS III
<input checked="" type="checkbox"/> 134 329 IAC 010-036-006 (a) Salvage Operations	<input checked="" type="checkbox"/> 148 329 IAC 010-036-012 (b) C/D-Weekly Cover, 6 inches	<input checked="" type="checkbox"/> 162 329 IAC 010-037-003 Final Cover C/D Sites ✓

**CIRCLED ITEMS ARE VIOLATIONS OF 329 IAC 10 or IC 13-20 AND MUST BE CORRECTED.**

Comments: Conducted site inspection today with property owners knowledge and permission. Property owner, Mr. Dennis Hunter, was going to attempt to meet us at site today however he was unable to do so. Site inspection was conducted to determine what additional measures are needed to correct violations and properly close the site. According to an inspection report dated 3-15-01, site has not accepted waste since Oct. 2000.

A closure inspection was previously conducted on 9-17-04 by Brian Wagner, which indicated actions needed to properly close site.

Last Inspection Date:

Violations at last inspection:

Received by: X Copy to be mailed

continued on page 2



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
AGRICULTURAL AND SOLID WASTE COMPLIANCE

State Form 47272 (R2/10-03)

Page 2 of 3

File "2B1"  
County

Routine / Complaint / Follow-Up / Spill

Inspector: Sto Miller, Brian Wagner Inspection Date: 5-17-05 Time In: 11:15 Time out: \_\_\_\_\_

Permit #: 45-08 Facility Name: Feddeler C/O Landfill Facility Telephone: \_\_\_\_\_

Location: \_\_\_\_\_ Facility GPS'd: (YES) ☒ (NO) ☐

Photos: (YES) ☒ (NO) ☐ Samples: (YES) ☒ (NO) ☐ Maps: (YES) ☒ (NO) ☐ Pollution Prevention Opportunities: (YES) ☒ (NO) ☐

Comments:

Site violations:

\* 146 - 329 IAC 10-36-11 (b) - Cover previously applied has not been maintained on some areas of site.

\* 151 - 329 IAC 10-36-14 (a) - Cover previously applied has not been maintained on some areas of site.

\* 152 - 329 IAC 10-36-14 (b) - A grass or ground cover crop has been established on a large portion of site, however some areas of the site are lacking vegetation or the vegetation is not adequate and additional seeding is required.

\* 153 - 329 IAC 10-36-14 (c) - Some areas of the site have not been properly graded to promote proper surface water drainage.

\* 155 - 329 IAC 10-36-15 (a) - Leachate seeps are present on the SW corner and south slope of site and are not being properly managed or controlled. Also leachate stains are present on the west slope.

\* 156 - 329 IAC 10-36-15 (b) - Leachate on the SW corner and south slope is flowing unabated off-site into the ditch waterway located adjacent to these areas of the fill. Leachate is flowing from the fill off-site into waters of the state.

continued on page 3.

Oral/Written Report Received by: X Copy to be mailed  
Inspection conducted in accordance with IC 13-14-5.

Certificate of Compliance left with operator (YES) ☒ (NO) ☐  
(Mark only if violations noted above)





INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
AGRICULTURAL AND SOLID WASTE COMPLIANCE

Page → 003 →

File "2B1,"  
County

State Form 47272 (R2/10-03)

Routine / Complaint / Follow-Up / Spill

Inspector: Stu Miller, Brian Wagner Inspection Date: 5-17-05 Time In: 11:15 Time out: \_\_\_\_\_

Permit #: 45-08 Facility Name: Feddeler C/D Landfill Facility Telephone: \_\_\_\_\_

Location: \_\_\_\_\_ Facility GPS'd: (YES) ☒ (NO)

Photos: (YES) ☒ (NO) Samples: (YES) ☒ (NO) Maps: (YES) ☒ (NO) Pollution Prevention Opportunities: (YES) ☒ (NO)

Comments:

\* 160 - 329 IAC 10-37-1 - The site has not been closed to:

1. Minimize the need for further maintenance.
2. Control escape of waste, waste constituents, leachate, contaminated precipitation or waste decomposition products to the ground or surface waters, and
3. Comply with closure standards in the permit.

\* 162 - 329 IAC 10-37-3 - Final cover has not been applied or has not been properly applied on some areas of the site.

Although a good portion, estimate northern 2/3, of site is in pretty good shape, the violations noted in this report pertain to areas of the entire C/D landfill. As of this writing a meeting at the site has been scheduled for the near future with IDEM staff and site representatives. Purpose of meeting w to walk entire site and specifically point out areas that need additional work and specifically what that work entails to bring this site into compliance with closure requirements.

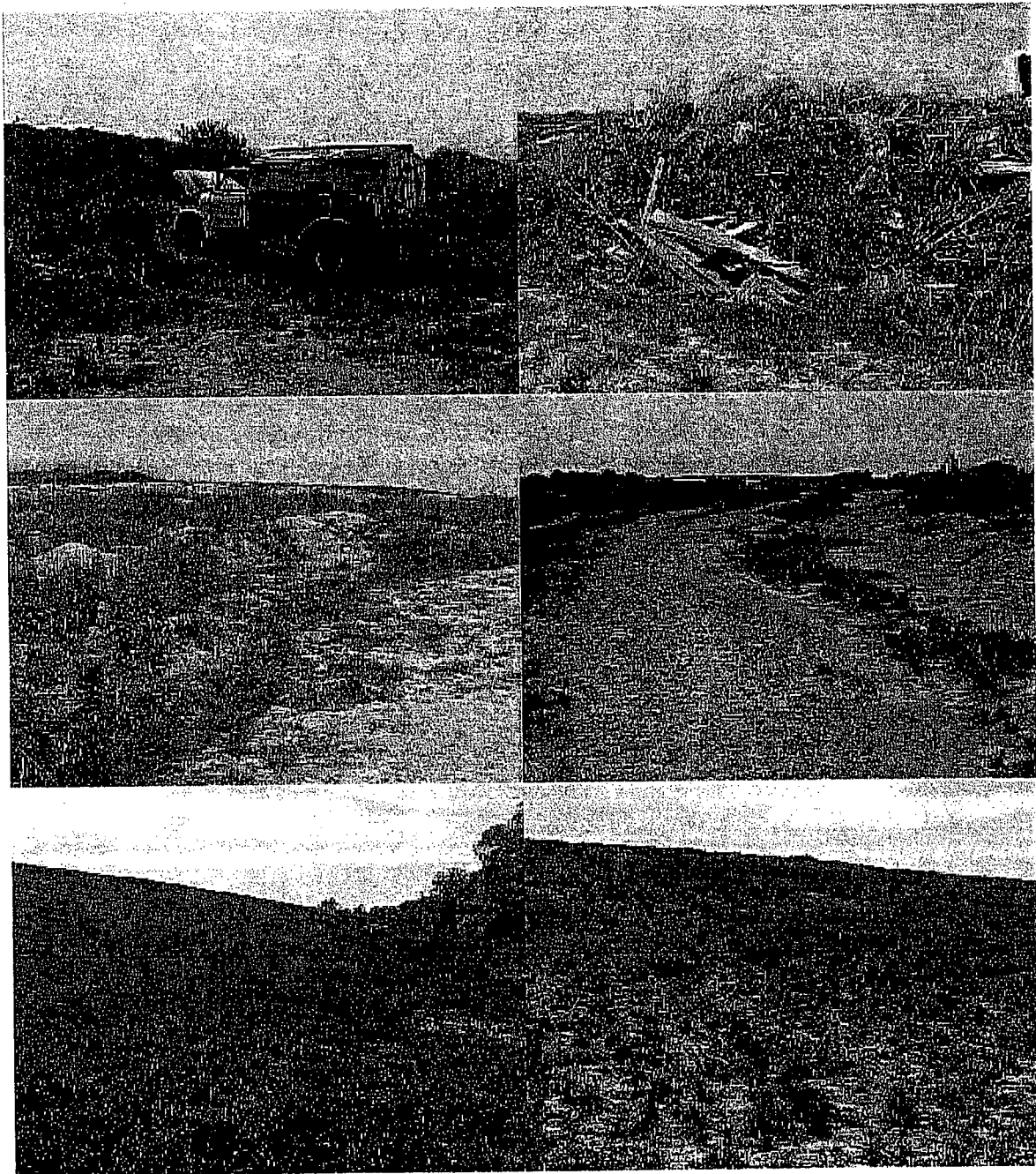
Oral/Written Report Received by: X Copy to be mailed  
Inspection conducted in accordance with IC 13-14-5.

Certificate of Compliance left with operator (YES) ☒ (NO)  
(Mark only if violations noted above)

Feddeler C/D Landfill, Lake County, 5-17-05

Photos by Stu Miller, also present during inspection Brian Wagner

1 of 4





Feddeler C/D Landfill, Lake County, 5-17-05

Photos by Stu Miller, also present during inspection Brian Wagner

2 of 4

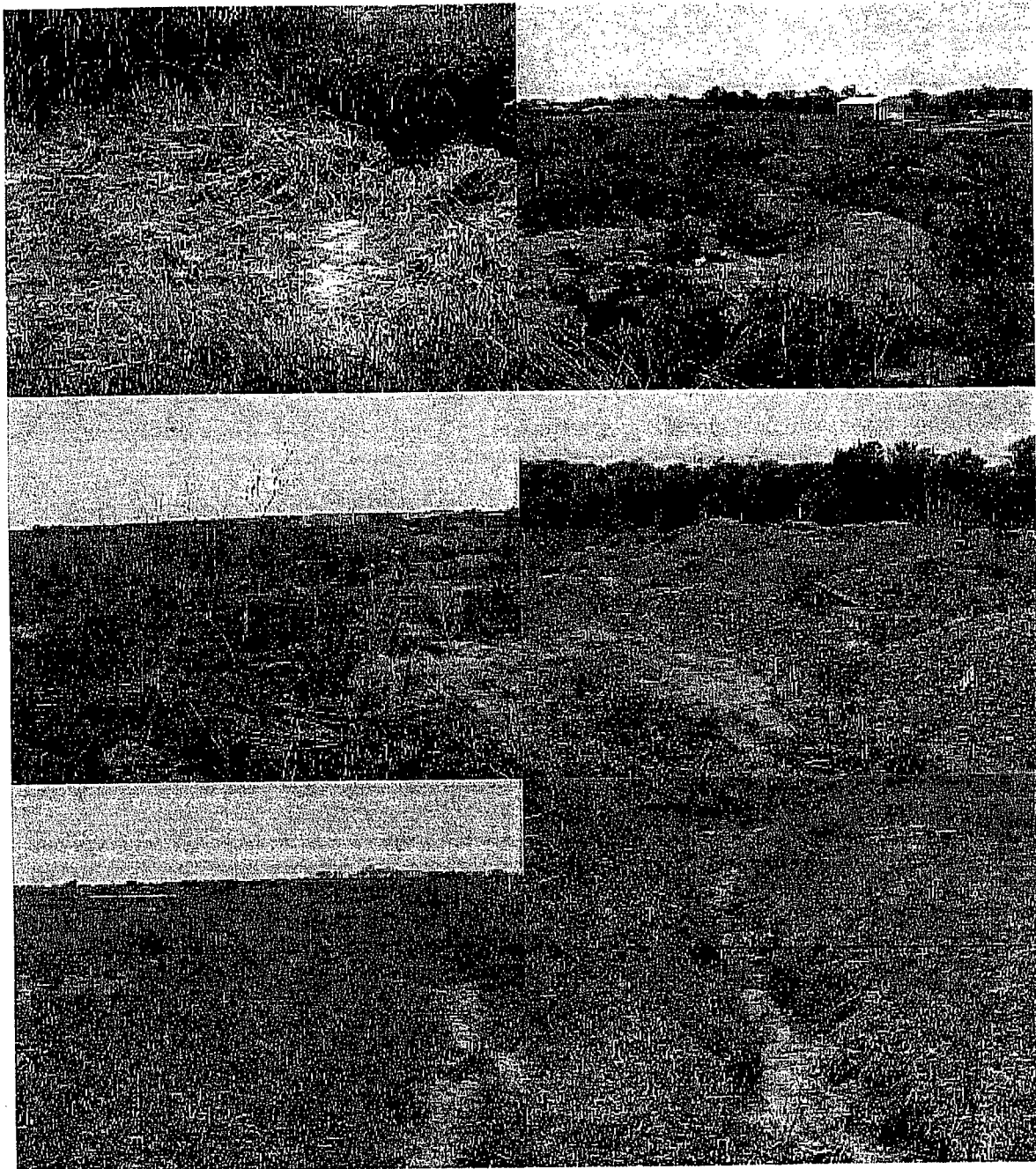




Feddeler C/D Landfill, Lake County, 5-17-05

Photos by Stu Miller, also present during inspection Brian Wagner

3 of 4





Feddeler C/D Landfill, Lake County, 5-17-05

Photos by Stu Miller, also present during inspection Brian Wagner

4 of 4







bcc: Public File 2B2  
data entry  
Stu Miller

**Enclosures needed for addressee:**

Inspection report

**Enclosures needed for carbon copies and blind carbon copies:**

Inspection report

Is your RETURN ADDRESS completed on the reverse side?

<b>SENDER:</b> <ul style="list-style-type: none"><li>Complete items 1 and/or 2 for additional services.</li><li>Complete items 3, 4a, and 4b.</li><li>Print your name and address on the reverse of this form so that we can return this card to you.</li><li>Attach this form to the front of the mailpiece, or on the back if space does not permit.</li><li>Write "Return Receipt Requested" on the mailpiece below the article number.</li><li>The Return Receipt will show to whom the article was delivered and the date delivered.</li></ul>		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: 65-45-2 SM/mearl Dennis Hunter Feddeler C/D Landfill 8002 Austin Avenue Schererville, IN 46375		7002 0510 0003 8224 3407	
4a. Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD		4b. Service Type <input type="checkbox"/> Certified <input type="checkbox"/> Insured <input type="checkbox"/> COD	
5. Received By: (Print Name) Jody Clark		7. Date of Delivery 11/23	
6. Signature: (Addressee or Agent) X Jody Clark		8. Addressee's Address (Only if requested and fee is paid)	

Thank you for using Return Receipt Service.

\*\*\*\*\*  
 \*\*\* TX REPORT \*\*\*  
 \*\*\*\*\*

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 TIME USE 21'39  
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INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We make Indiana a cleaner, healthier place to live.*

Mitchell E. Daniels, Jr.  
 Governor

Thomas W. Easterly  
 Commissioner

100 North Senate Avenue  
 Indianapolis, Indiana 46204  
 (317) 232-8603  
 (800) 451-6027  
 www.IN.gov/idem

Post-It® Fax Note	7671	Date	8-5-05	# of pages	12
To	Rick Nicmeyer	From	Bruce Palin		
Co./Dept.		Co.	IDEM		
Phone #		Phone #	317-233-6591		
Fax #	219-696-9432	Fax #	317-232-3403		

**VIA CERTIFIED MAIL**

7002 0510 0003 8224 3407

Dennis Hunter  
 Feddeler C/D Landfill  
 8002 Austin Ave.  
 Schererville, IN 46375

July 20, 2005

Re: Violation Letter  
 Feddeler C/D Landfill  
 Permit Number 45-08  
 Lake County

Dear Mr. Hunter:

On May 17, 2005, representatives of the Indiana Department of Environmental Management, Office of Land Quality, conducted an inspection of the Feddeler C/D Landfill, located in Lake County, Indiana. This inspection was conducted pursuant to IC 13-14-2-2. For your information, and in accordance with IC 13-14-5, a summary of the inspection is provided below:

Type of Inspection: ☒ Routine  
☐ Complaint  
☐ Other

Results of Inspection: ☐ No violations were observed



REPORT AND COMPLIANCE OF AGRICULTURAL  
AND SOLID WASTE COMPLIANCE

State Form 47272 (R / 1-00) / IN-IRCF-8-95

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF LAND QUALITY

Page \_\_\_\_\_ of \_\_\_\_\_

Date (month, day, year):

September 17, 2004

Time:

☐ AM  
☐ PM

County:

Lake

Name of facility:

Feddler C/D Landfill

Location:

Lowell

Permit number:

☐☐ - ☐☐

Or Non-permitted:

☐

Inspected by:

Brian Wagner

Comments:

Closed Landfill

Vegetation generally established with many of random areas requiring re-seeding. Mowing of vegetation required.

Areas on top indicating ponding. Regrading of some areas on top required. Isolated piles of material (soil) need regrading.

Erosion on slopes up to more than 1 foot but waste generally not exposed.

Run-off controls need improvement with recommendations for construction of control structures.

Boundary controls need to be improved. Access control needs to be improved.

Indications of some leachate break-outs need correction.

Received by:

**BINGHAM SUMMERS  
WELSH & SPILMAN LLP**  
Attorneys at Law

*Log  
Wayne Penrod  
33628*

**COPY**

Larry J. Kane  
Attorney  
Direct: 317-635-8901, Ext. 380  
lkane@binghamsummers.com

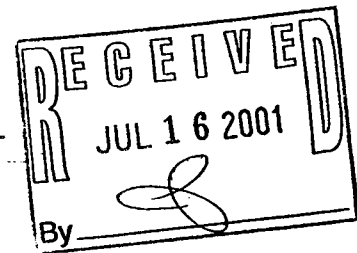
July 11, 2001

Dept. of Environmental Mgmt.  
Commissioner's Office

VIA HAND DELIVERY

JUL 13 2001

Honorable Wayne E. Penrod  
Chief Administrative Law Judge  
Indiana Office of Environmental Adjudication  
150 W. Market Street, Suite 618  
Indianapolis, IN 46204



Re: Petition for Administrative Review of  
Order of the Commissioner in the Matter of  
R&M Enterprises d/b/a Feddeler Landfill  
Our File No. 5826-35669

Dear Judge Penrod:

Enclosed for filing on behalf of our client, R&M Enterprises, Inc., is its Petition for Administrative Review of the Commissioner's Order referenced above. The Order was issued in IDEM Case No. 2000-9610-S. Please return a file-stamped copy of the above motion to me.

Thank you for your assistance in this matter.

Very truly yours,

*Larry J. Kane*  
Larry J. Kane

Enclosures

*cc - Aaron  
Jerry  
Jett*

*cc: LFK  
Tim method  
OLC  
Sylvia Wilcox  
OLQ*

COPY

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA OFFICE OF  
ENVIRONMENTAL ADJUDICATION

IN THE MATTER OF: )

R&M ENTERPRISES D/B/A FEDDELER )  
LANDFILL, )

Petitioner )

v. )

COMMISSIONER OF THE DEPARTMENT )  
OF ENVIRONMENTAL MANAGEMENT, )

Respondent )

Dept. of Environmental Mgmt.  
Commissioner's Office

JUL 13 2001

Cause No. 2001-S-E-\_\_\_\_\_

**PETITION FOR ADMINISTRATIVE REVIEW  
OF ORDER OF THE COMMISSIONER**

Comes now R&M Enterprises, Inc. ("R&M" or "Petitioner"), by counsel, and, pursuant to IC 13-30-3-5, IC 4-21.5-3, and IC 4-21.5-7, petitions the Office of Environmental Adjudication (the "OEA") for administrative review of the Order issued by the Commissioner of the Indiana Department of Environmental Management ("Commissioner") described hereinbelow. In support of its petition, R&M says as follows:

1. This Petition is being submitted by and on behalf of R&M, the Petitioner herein. The address and telephone number of R&M is:

R&M Enterprises, Inc.  
18501 Clark Road  
Lowell, IN 46536  
(219) 696-8406 (telephone)

2. R&M is the operator of a construction/demolition waste land disposal facility located in Lowell, Indiana, which is currently undergoing closure (the "disposal facility").

3. On or after June 27, 2001, the Commissioner issued a Notice and Order directed to R&M, d/b/a Feddeler Landfill, nominally pursuant to IC 13-30-3-4 and other cited authority, in an administrative enforcement proceeding docketed as Case No. 2001-9610-S (the "Order"). A copy of the Order is attached hereto as Exhibit A, made a part hereof, and incorporated herein by reference.

4. Petitioner, R&M, is the person to whom the Order is specifically directed.

5. In addition to being the person to whom the Order is directed, Petitioner is aggrieved and adversely affected by the Order.

6. This Petition is timely, being filed prior to the twentieth day after Petitioner received the Order. The Order was received by Petitioner by Robert W. Feddeler, Petitioner's president, on June 30, 2001.

7. Based on the foregoing statements, the OEA has jurisdiction over this Petition.

8. Issues to be considered in the administrative review of the Order include but are not necessarily limited to the following:

- (a) Whether in fact Petitioner failed to provide quarterly tonnage reports of solid waste received at the disposal facility as alleged in paragraph 3.A of the Findings section of the Order?
- (b) Whether windblown litter occurred at the disposal facility on the cited dates in a manner inconsistent with the rule and permit provisions referenced in paragraphs 3.B and 3.C of the Findings section of the Order?
- (c) Whether solid waste was deposited in standing or ponded water on the cited dates in a manner inconsistent with the rule and permit provisions referenced in paragraphs 3.D and 3.E of the Findings section of the Order?
- (d) Whether Petitioner failed to provide or maintain cover material to the disposal facility as required by the rule provisions referenced in paragraph 3.F of the Findings section of the Order?



- (e) Whether Petitioner failed to provide or maintain grass or ground cover crop on areas having received final cover at the disposal facility as required by the rule provisions referenced in paragraph 3.G of the Findings section of the Order?
- (f) Whether Petitioner failed to address leachate at the disposal facility as required by the rule provisions referenced in paragraphs 3.H and 3.I of the Findings section of the Order?
- (g) Whether Petitioner was required, under the rule provisions cited in paragraphs 3.J and 3.K of the Findings section of the Order, to obtain manifests for solid waste received at the disposal facility from Ravenswood Disposal Service?
- (h) Whether Petitioner conducted transfer station activities at the disposal facility
  - for which the Petitioner was required to possess a permit under 329 IAC 11 as alleged in paragraph 3.N of the Findings section of the Order?
- (i) Whether a discharge of leachate occurred from the disposal facility in violation of IC 13-30-2-1(1) as alleged in paragraph 3.T of the Findings section of the Order?
- (j) Whether the Order section of the Order sets forth demands and dictates which, under the facts, circumstances, and applicable law, are unreasonable, arbitrary, capricious and otherwise unlawful and, therefore, should be denied?
- (k) Whether the civil penalty set forth in numbered paragraph 8 of the Order section of the Order is, under the facts, circumstances and applicable law, unreasonable, arbitrary, capricious and otherwise unlawful and, therefore, should be denied or modified?

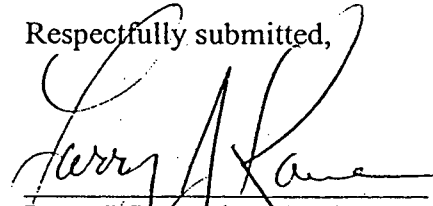
Petitioner reserves the right to amend this Petition to identify other issues for consideration under administrative review of the Order.

9. A petition for stay of effectiveness of the Order is not expressly set forth in this Petition since Petitioner understands that the Order does not become effective, as a matter of law under IC 13-30-3-5(a)(2), as a result of the filing of this Petition.

WHEREFORE, Petitioner respectfully requests that administrative review of this matter be granted in accordance with the foregoing representations and applicable law, that

the Order be found and decreed to be in error and unlawful as contended by Petitioner hereinabove, and that all other proper relief be granted.

Respectfully submitted,

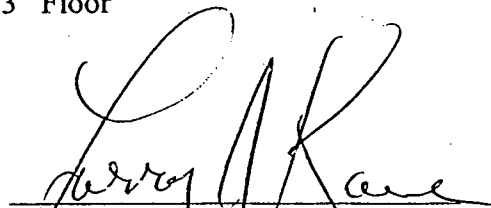
  
Larry J. Kane (5066-53)  
Attorney for Petitioner  
R&M Enterprises, Inc.

Bingham Summers Welsh & Spilman, LLP  
2700 Market Tower  
10 W. Market Street  
Indianapolis, IN 46204-4900  
(317) 635-8900 (telephone)  
(317) 236-9907 (facsimile)

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served by U.S. Mail, first class postage prepaid, on this 11<sup>th</sup> day of July, 2001, upon the following:

Lori Kaplan, Commissioner  
Indiana Department of Environmental Management  
Indiana Government Center North, 13<sup>th</sup> Floor  
100 N. Senate Avenue  
P.O. Box 6015  
Indianapolis, IN 46206-6015

  
Larry J. Kane

STATE OF INDIANA ) BEFORE THE INDIANA DEPARTMENT

) SS: OF ENVIRONMENTAL MANAGEMENT

COUNTY OF MARION )

COMMISSIONER OF THE DEPARTMENT )

OF ENVIRONMENTAL MANAGEMENT )

)

Complainant, )

)

v. ) Case No. 2000-9610-S

)

R&M ENTERPRISES D.B.A. FEDDELER )

LANDFILL )

)

Respondent. )

NOTICE AND ORDER OF THE  
COMMISSIONER OF THE

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

VIA CERTIFIED MAIL No. \_\_\_\_\_

TO: Robert W. Feddeler, President

R&M Enterprises d.b.a. Feddeler Landfill

18501 Clark Road

Lowell, IN 46356

Following is the Notice and Order of the Commissioner of the Department of Environmental Management issued against the Respondent for violation of the Indiana Environmental Management Act. This Order is issued pursuant to IC 13-30-3-4, IC 13-30-3-10, and IC 13-30-3-11, and is based on violations found during investigations conducted by the Office of Land Quality. During the investigations, it was determined that the Respondent was in violation of 329 IAC 10, 329 IAC 11, IC 13 and Permit #45-08 as specified below:

FINDING OF VIOLATION

1. Respondent is R&M Enterprises, d.b.a. Feddeler Landfill (hereinafter referred to as "Respondent"), Permit #45-08, located at

18505 Clark Road, Lowell, Lake County, Indiana (the "Site").

2. Designated representatives of IDEM conducted inspections at the Site on May 14, 1999, July 19, 2000, August 28, 2000, and September 1, 2000.

3. On the inspections noted above, the Respondent was found in violation of:

- A. Pursuant to 329 IAC 10-14-1(c), a quarterly tonnage report of solid waste received at the solid waste land disposal facility must be submitted to the commissioner by the owner, operator, or permittee of that facility unless the owner, operator, or permittee has ceased accepting solid waste for a period of at least one (1) calendar quarter and has sent written notification indicating the initiation of final closure. Quarterly tonnage reports have not been submitted in a timely manner.
- B. Pursuant to 329 IAC 10-36-4(c), windblown materials and litter must be collected and buried daily. Windblown materials must be controlled by effective means so that they do not constitute or contribute to a nuisance. On the August 28, 2000, and September 1, 2000, inspection dates, windblown materials were not being effectively controlled resulting in litter leaving the Site contributing to a nuisance.
- C. Pursuant to Facility Permit #45-08, Permit Condition A17, windblown litter shall be collected daily. On the August 28, 2000, and September 1, 2000, inspection dates, windblown litter was not being properly collected at the Site.
- D. Pursuant to 329 IAC 10-36-10, a construction/demolition site must not deposit solid waste in standing or ponded water except for that water resulting from precipitation directly upon the working face. On the August 28, 2000, and September 1, 2000, inspection dates, waste was found deposited in standing water that did not result from precipitation directly upon the working face.
- E. Pursuant to Facility Permit #45-08, Permit Condition A13, solid waste shall not be deposited in standing or ponded water, except for water resulting from precipitation directly upon the working face. On the August 28, 2000, and September 1, 2000, inspection dates, waste was found deposited in standing water that did not result from precipitation directly upon the working face.
- F. Pursuant to 329 IAC 10-36-14(a), cover material applied as required in sections 11 through 13 of this rule and 329 IAC 10-37 must be continuously maintained, including application and compaction of additional cover as needed to maintain required depth. On the July 19, 2000, August 28, 2000, and September 1, 2000, inspection dates, cover was inadequate on areas of the Site and was not being continuously maintained.
- G. Pursuant to 329 IAC 10-36-14(b), a grass or ground cover crop must be established and maintained continuously as soon as weather permits and seasonal conditions are suitable on any portion of the construction/demolition site that has received final cover except where other provisions for land use have been approved by the commissioner. On the July 19, 2000, August 28,

2000, and September 1, 2000, inspection dates, a grass and ground cover crop had not been established and maintained on any portion of the Site that had received final cover.

H. Pursuant to 329 IAC 10-36-15(a) and (b), any leachate on the surface of a construction/demolition site must be immediately managed or controlled to prevent off-site migration. Any surface movement of leachate past a point of fifty (50) feet outside of the solid waste boundary is prohibited except as specified in the facility permit. On the August 28, 2000, and September 1, 2000, inspection dates, leachate was observed migrating further than fifty (50) feet beyond the solid waste boundary and was not being immediately managed to prevent off-site migration.

I. Pursuant to Facility Permit #45-08, Permit Condition A9, any leachate seeps on the surface of the site shall be immediately managed to prevent off-site migration. Any surface movement of leachate past a point of fifty (50) feet outside of the approved solid waste boundaries is prohibited. On the August 28, 2000, and September 1, 2000, inspection dates, leachate was observed migrating further than fifty (50) feet beyond the solid waste boundary and was not being immediately managed to prevent off-site migration.

J. Pursuant to 329 IAC 10-36-17 (a), prior to accepting a shipment of municipal waste from a transfer station located inside or outside of Indiana, a construction/demolition site must receive a copy of a manifest and must review the manifest to determine whether the items listed under 329 IAC 11-15-3 are included on the manifest. On the May 14, 1999 inspection, it was discovered that the Respondent had accepted shipments of municipal waste from the Ravenswood Disposal Service, a transfer station located in Illinois, without being manifested.

K. Pursuant to 329 IAC 10-36-17 (b), a construction/demolition site must not knowingly accept a shipment of municipal waste from a transfer station located inside or outside of Indiana if: (1) the municipal waste is not accompanied by a manifest that contains the information required under 329 IAC 11-15-3. On the May 14, 1999 inspection, it was discovered that the Respondent had accepted shipments of municipal waste from the Ravenswood Disposal Service, a transfer station located in Illinois, without being manifested.

L. Pursuant to 329 IAC 10-39-2(a), a permittee shall establish financial responsibility for closure of the solid waste land disposal facility. Respondent does not have financial responsibility for closure of the Site.

M. Pursuant to 329 IAC 10-39-3 (a)(2)(B), the permittee shall establish financial responsibility for post-closure care of the solid waste land disposal facility. Respondent does not have financial responsibility for post closure of the Site.

N. Pursuant to 329 IAC 11-21-3, all transfer stations, other than those excluded under 329 IAC 11-2-47, that haul or ship municipal waste to an Indiana solid waste management facility must hold a valid permit under this article if located in Indiana. On July 19, 2000, and August 28, 2000, transfer station activities were observed at the Site without a valid permit.

O. Pursuant to the Facility Permit # 45-08, Permit Condition D6, the permittee shall submit, along with ground water quality results, a ground water flow direction map and/or potentiometric contour map of the aquifer(s) being monitored at the site to OLO (formerly OSHWM) on a semiannual basis. Groundwater flow direction maps and/or potentiometric contour maps were not submitted to IDEM for June 1998, June 1999, and December 1999.

P. Pursuant to the Facility Permit #45-08, Permit Condition D10, all ground water monitoring wells which constitute the facility's

permanent ground water monitoring well system shall have water quality samples taken and tested individually on a semiannual basis during June and December. Sampling shall be conducted during each of these months and the water quality results shall be submitted to OLQ (formerly OSHWM) within sixty (60) days of sampling. Groundwater monitoring did not occur and groundwater quality results were not submitted to IDEM for June 1998, June 1999, and December 1999.

Q. Pursuant to the Facility Permit #45-08, Permit Condition D11, ground water monitoring shall be conducted throughout the active life and the post-closure care period of the facility. Groundwater monitoring did not occur and groundwater monitoring quality results were not submitted to IDEM for June 1998, June 1999, and December 1999.

R. Pursuant to IC 13-20-21-8, solid waste annual operation fees begin accruing January 1 of each year and are due not more than thirty (30) days after the date the fees are assessed or on the date the installment is due. Annual operation fees for the Site have not been paid for the year 2000.

S. Pursuant to IC 13-20-21-9, solid waste disposal fees must be paid by all solid waste disposal facilities, including construction/demolition disposal facilities. The solid waste disposal fees for the years 1999 and 2000 have not been paid by the due date of March 15, 2000.

T. Pursuant to IC 13-30-2-1(1), a person may not discharge, emit, cause, allow, or threaten to discharge, emit, cause or allow any contaminant or waste into the environment in any form that causes or would cause pollution that violates or would violate rules, standards, or discharge or emission requirements adopted by the appropriate board under the environmental management laws. Leachate migrated off-site and was allowed to be discharged into the environment.

4. Pursuant to IC 13-30-3-3, IDEM issued a Notice of Violation on October 26, 2000, via Certified Mail to:

Robert W. Feddeler, President

R&M Enterprises d.b.a. Feddeler Landfill

18501 Clark Road

Lowell, IN 46356

5. The Respondent received the Notice of Violation on November 30, 2000.

6. The Notice of Violation contained an offer to enter into an Agreed Order containing actions required to correct the violation.

7. More than sixty (60) days have elapsed since Respondent was offered the opportunity to enter into an Agreed Order.

8. In September 2000, the Respondent stopped accepting waste at the Site.
9. On February 8, 2001, a settlement conference was held between IDEM and Respondent.
10. On March 6, 2001, a settlement conference was scheduled between IDEM and the Respondent. The Respondent was not able to make the conference and rescheduled.
11. On March 15, 2001, a settlement conference was scheduled between IDEM and Respondent. The Respondent was not able to make the conference and rescheduled.
12. The Respondent has not entered into an Agreed Order resolving these violations.

#### ORDER

1. Respondent shall immediately cease and desist violation of 329 IAC 10, 329 IAC 11, IC 13, and Permit #45-08.
2. Respondent shall, pursuant to 329 IAC 10-39-2(c) and 329 IAC 3(a)(2)(B), immediately obtain financial assurance for closure and post closure costs. The post closure financial assurance amount shall reflect an adjustment for groundwater monitoring costs associated with post closure activities.
3. Respondent shall, within ten (10) days of the Effective Date of this Order, submit 3<sup>rd</sup> and 4<sup>th</sup> quarter solid waste tonnage reports for 2000.
4. Respondent shall, within fifteen (15) days of the Effective Date of this Order, submit manifests for waste received from the Ravenswood Disposal Service Transfer Station.
5. Respondent shall, within ten (10) days of the Effective Date of this Order, pay the annual operation fees for 2000.
6. Respondent shall, within ten (10) days of the Effective Date of this Order, pay the solid waste disposal fees owed for 1999 and 2000 and submit the semi-annual disposal report associated with the fees.
7. All submittals required by this Agreed Order, unless notified otherwise in writing, shall be sent to:

Jennifer Andres, Enforcement Case Manager

Office of Enforcement



Indiana Department of Environmental Management

100 North Senate Avenue

P.O. Box 6015

Indianapolis, Indiana 46206-6015

8. The Respondent is assessed a civil penalty of fifty four thousand, seven hundred and fifty dollars and no cents (\$54,750.00). Said penalty amount shall be remitted to the Department of Environmental Management within thirty (30) days of the effective date of this Order. Checks shall be made payable to Environmental Management Special Fund with the Case Number indicated on the check and mailed to:

Cashier

IDEM

100 North Senate Avenue

P.O. Box 7060

Indianapolis, Indiana 46207-7060.

9. This Order shall apply to and be binding upon the Respondent, its officers, directors, principals, agents, successors, subsidiaries, and assigns.
10. The Respondent shall provide a copy of this Order, if in force, to any subsequent owners or successors before the ownership rights are transferred. Respondent shall ensure that all contractors, firms, and other persons performing work under this Order comply with the terms of this Order.

**EFFECTIVE DATE OF ORDER**

Pursuant to IC 13-30-3-5, this Order takes effect twenty (20) days following receipt unless you request review of this Order, before the twentieth day after receipt, by filing a written request for review with the Office of Environmental Adjudication, and serving a copy of the

request for review upon the Commissioner of the Indiana Department of Environmental Management. Pursuant to IC 4-21.5-3-7, you may request that the Office of Environmental Adjudication conduct a hearing to review this Order, under IC 4-21.5, in its entirety, or you may limit your request for review to specific findings of fact and/or orders contained in this Order.

Requests for review must be submitted to the Office of Environmental Adjudication and the Commissioner of the Indiana Department of Environmental Management at the following addresses:

Director Commissioner

Office of Environmental Adjudication Indiana Dept. of Environmental Management

ISTA Building Indiana Government Center North

150 W. Market Street 100 N. Senate

Suite 618 P.O. Box 6015

Indianapolis, Indiana 46204 Indianapolis, Indiana 46206-6015

Failure to properly submit a request for review, before the twentieth day following receipt of this Order of the Commissioner, waives your right to administrative review of this Order pursuant to IC 4-21.5-3-7 and your right to judicial review of the Order pursuant to IC 4-21.5-5-

4. The petition for administrative review must contain the following information:

- (1) Name, address, and telephone number of each person filing the petition.
- (2) Identification of the interest of each petitioner in the subject of the petition.
- (3) Statement of facts demonstrating that the petitioner is:
  - (A) a person to whom the order is directed;
  - (B) aggrieved or adversely affected by the order; or
  - (C) entitled to review under any law.

(4) Statement with particularity the legal issues proposed for consideration in the proceedings.

The petition for administrative review should also contain the following information:

- (1) Identification of any persons represented by the person making the request pursuant to IC 4-21.5-3-15.
- (2) Statement identifying the person against whom administrative review is sought.
- (3) A copy of the notice of the commissioner's action issued by the department of environmental management which is the basis of the petition for administrative review.
- (4) Statement indicating the identification of petitioner's attorney or other representative.

If you have procedural or scheduling questions regarding your request for review you may contact the Office of Environmental Adjudication at (317) 232-8591.

Dated at Indianapolis, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

Signed on June 27, 2001

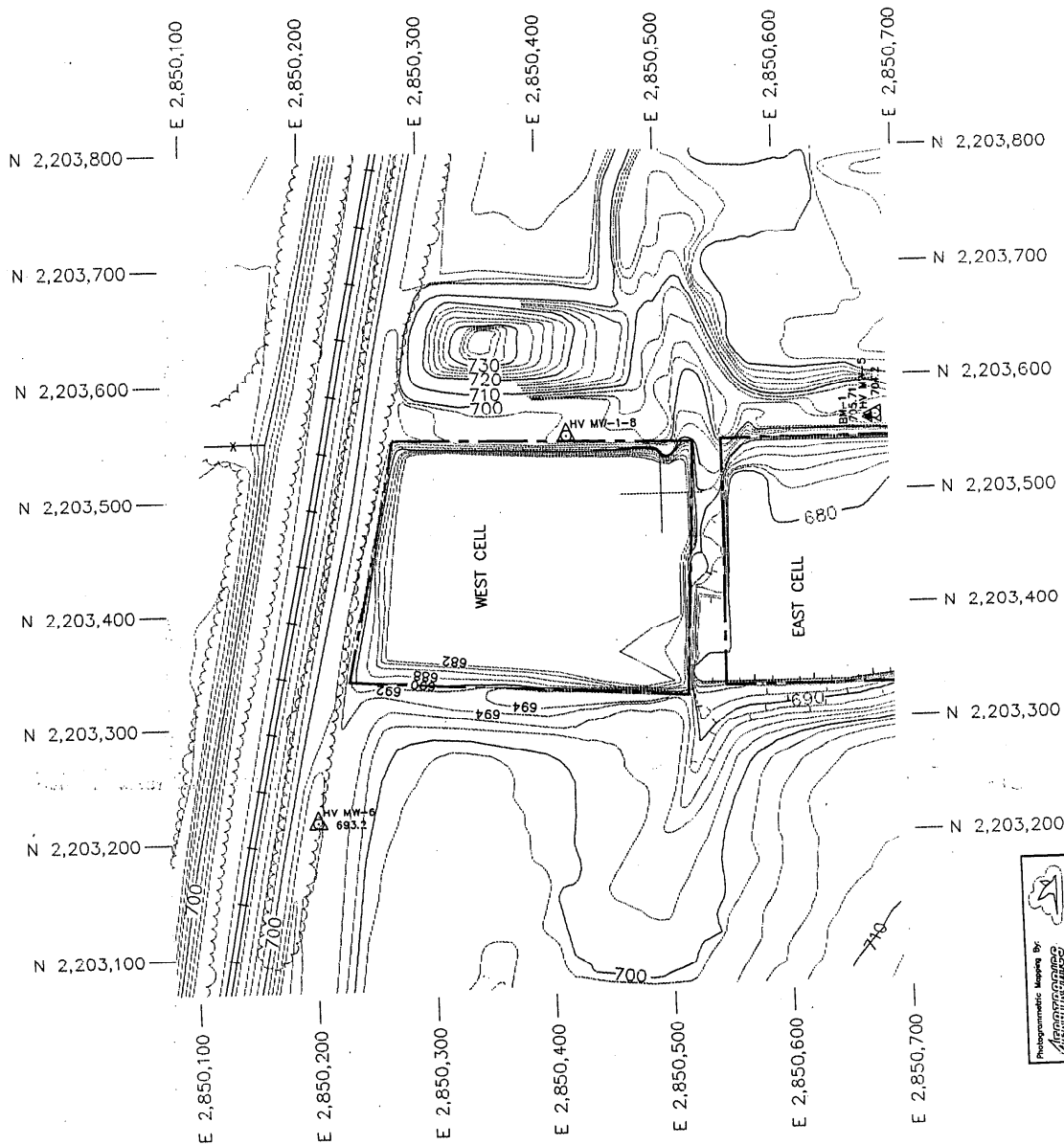
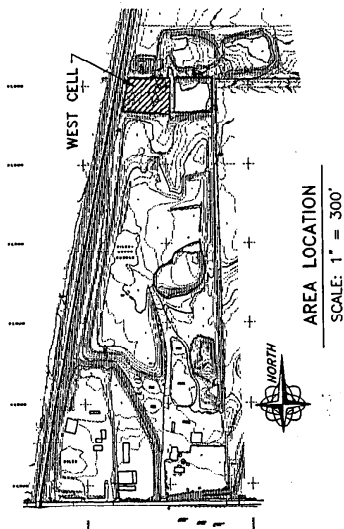
\_\_\_\_\_  
Lori F. Kaplan  
Commissioner

cc: Lake County Solid Waste Management District

Lake County Health Department

R&M Enterprises d.b.a. Feddeler Landfill 2B2 File

<http://www.ai.org/idem>



# LEGEND

- BENCHMARK  
MW-3  
685.2
- MONITORING WELL LOCATION/ELEVATION  
685.2
- CELL BOUNDARY



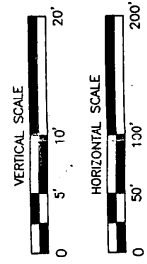
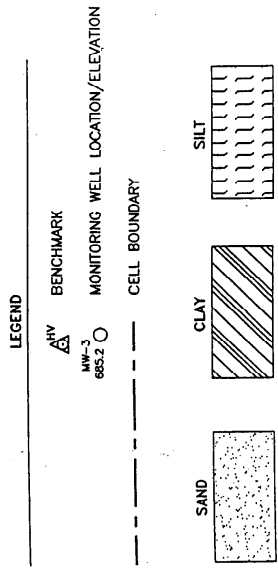
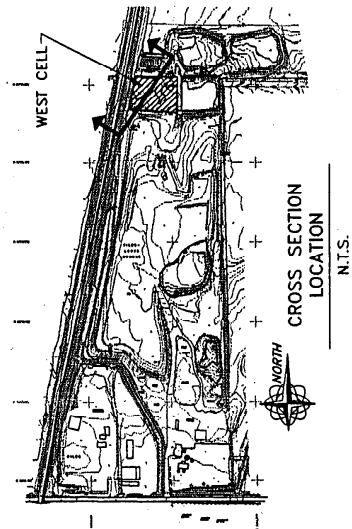
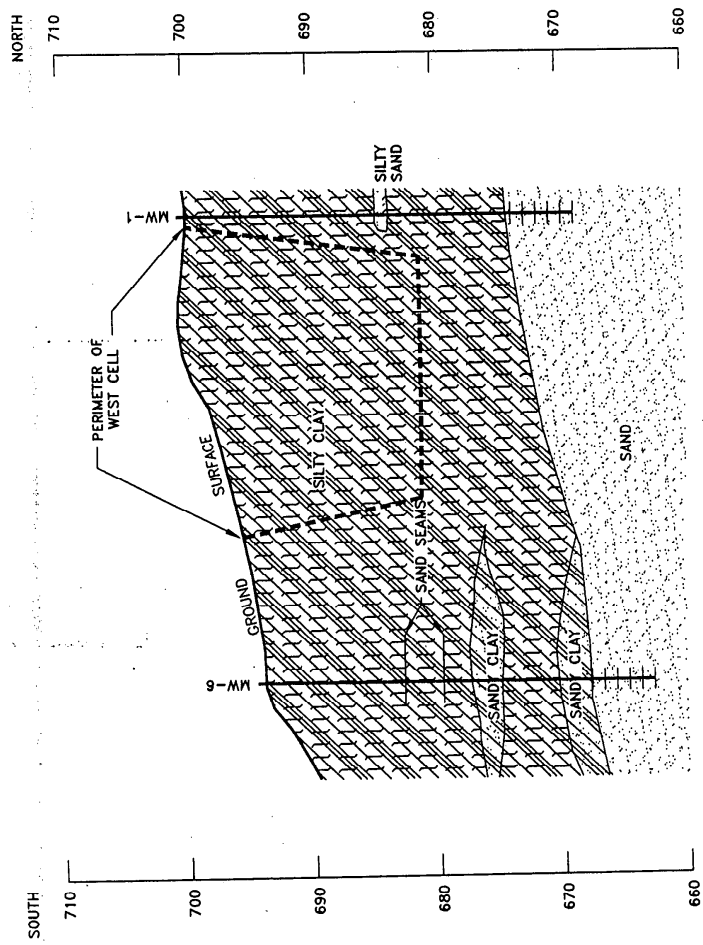
NORTH FACILITY  
WEST CELL AS-BUILT  
FEDDERER C/O LANDFILL  
WEST CREEK TOWNSHIP  
LAKE COUNTY, INDIANA

Weaver Boos & Gordon, Inc.  
CHICAGO, IL  
(312) 922-1000  
DRAWN BY: JES/7AC DATE: 6/2/78  
REVIEWED BY: LEE CAD: WELL-ABLING

NO.	DATE	REVISIONS	DESCRIPTION

Photogrammetric Mapping By  
Weaver Boos & Gordon, Inc.  
Date of Photography: 12/27/79 Scale: 1"=100'  
Job Number: 9137 Contour Interval: 2.0'





WEST CELL CROSS SECTION  
 FEDELLER C/O LANDFILL  
 WEST CREEK TOWNSHIP  
 LAKE COUNTY, INDIANA

Weaver Boos & Gordon, Inc.  
 CHICAGO, IL  
 (312) 922-1000  
 (312) 922-1000  
 DATE: 6/7/98  
 DRAWN BY: JES  
 REVIEWED BY: LGE  
 CAD: KSEC1-6.0WC

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FIGURE 2

